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OFFICE OF PETITIONS

In re Patent No. 6,906,093 :
Issued: June 14, 2005 : LETTER REGARDING PTA
Application No. 09/897,755 :
Filed: July 3, 2001 :
Atty. Dkt. No.: 038602-1220 :

This letter is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed June 13, 2005. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The above-identified application matured into U.S. Pat. No. 6,906,093 on June 14, 2005. The patent issued with a patent term adjustment (PTA) of 25 days. Patentees indicate that the PTA of 25 days indicated on the Issue Notification mailed May 25, 2005 disagrees with patentees' calculation of PTA. Patentees seek verification of the calculation of PTA. Patentees have not indicated a specific concern regarding the adjustment. A review of the record reveals that applicants are not entitled to less than 25 days so granted.

In any event, an overall adjustment of 346 days under 37 CFR 1.702 for Office delays was reduced a total of 321 days for applicants' failure to engage in reasonable efforts to conclude prosecution under 37 CFR 1.704, resulting in an adjustment of 25 days, as indicated on the patent.

Patentees are advised that any request for reconsideration under 37 CFR 1.704(d) that raises issues that were raised, or could have been raised, in an application for patent term adjustment under 37 CFR 1.704(b) shall be dismissed as untimely as to those issues.

Patentees are further advised that any request for reconsideration under 37 CFR 1.704(d) for adjustments/reductions occurring after issuance of Notice of Allowance must be accompanied by the required application for patent term

adjustment (and required fee) and must be submitted no later than two months after the date of issuance of the patent.

No fee is due in connection with this matter.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

A handwritten signature in black ink, appearing to read "Kery Fries". The signature is written in a cursive, flowing style.

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy